

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Transport Department - Establishment – Representations of certain Transport Constables and Junior/Senior Assistants – Relaxation of Rule 10 (Physical requirements) to the post of Assistant Motor Vehicles Inspector for in-service candidates by the method of appointment by promotion / transfer – Orders – Issued.

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TRANSPORT, ROADS & BUILDINGS (SER.IV) DEPARTMENT

G.O.Rt. No. 743

Dated: 30/07/2010

Read the following:-

1. G.O.Ms.No.71, Transport, Roads & Buildings (Ser.IV) Department, Dated: 19/02/2009.
2. Govt. Memo No.1818/Ser.IV/2010-1 Tr. R&B (Ser.IV) Dept., Dated:25/02/2010 enclosing a copy of representation of A.P., Transport Constables Association, Hyderabad dated: nil.
3. Govt. Memo No.1817/Ser.IV/2010-1, Tr. R&B (Ser.IV) Dept., Dated:25/02/2010 enclosing a copy of representations of Sri S. Raheem Ahmed, Senior Assistants and (3) others.
4. From the Transport Commissioner Letter No.1343/C3/2010, Dated: 17/06/2010.

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ORDER:-

Government vide G.O 1st read above have provided promotional channel to the Transport Head Constables / Transport Constable and Junior / Senior Assistants to the post of Assistant Motor Vehicles Inspector. As per Rule 10 of the Transport Subordinate Service Rules, the height prescribed for the post of AMVI is 165 cms and not less than 86.3 cms round the chest on full inspiration with a minimum expansion of 5.00 cms for male candidates.

2. In the references 2nd & 3rd read above, certain Transport Constables, Junior / Senior Assistants who have acquired the technical qualification of Diploma in Automobile Engineering have requested the Department to consider their cases for promotion to the post of Assistant Motor Vehicles Inspector as the Transport Constables were appointed as per the orders issued in G.O.Ms.No.1, T.R&B Dept., Dated 03/01/1985 read with G.O.Ms.No.37, T.R&B Dept., Dated 31/01/1987 and requested to exempt them from possessing the requisite height for the post as was done previously for in-service candidates to the post of AMVI.

3. The Association has represented that having permitted them to pursue higher qualification to become eligible for promotion to the post of AMVI and now sliding them by way of imposing height and other physical restriction is against the principles of promissory estoppel and amounts to hostile discrimination. Therefore a lot of injustice is meted out to such of those candidates on the height aspect. Since they were appointed as per the rules existing then i.e., about two decades back, and since they have already undergone the screening on the basis of the height to the category of Transport Constables, there cannot be any further screening or a different yardstick in regard to the height (since no height restrictions were inexistence at all to the post of AMVIs earlier to their appointment) is a clear violation of Article 15 & 16 of the Constitution of India and amount hostile discrimination to them, who are in fact appointed as per the then existing rules.

4. In the Letter 4th read above, the Transport Commissioner has inter-alia stated that the following individuals were found to be short in height to that of the specified height of 165 cms for general candidates and 160 cms in respect of SC / ST candidates.

S/Sri

1. A. Kishore Chandra Reddy, Senior Assistant, Warangal -- 164.5 cms.
(with chest measurement of 86.00 cms. instead of 86.3 cms)
2. M. Paul Raju, Transport Constable, Eluru -- 164.0 cms
3. B. Mohan Goud, Senior Assistant, Warangal -- 163.5 cms.
4. J.V.S.S.S. Prasad, Senior Assistant, Srikakulam -- 162.5 cms
5. Md. Akthar, Transport Constable, Nizamabad -- 162.5 cms.
6. S. Raheem Ahmed, Senior Assistant, Hyderabad -- 162.0 cms.
7. A. Shiva Lingam, Transport Constable, Hyderabad -- 160.0 cms.
8. A. Kasi Eswara Rao, Transport Constable, Kakinada -- 159.5 cms
9. M. Chinna Rao, Transport Constable, Kakinada (S.T.) -- 159.0 cms.
10. M.Soloman Raj, Trans. Constable, Nizamabad (S.C.) -- 157.0 cms.

Contd... on **P.No.2**

5. With regard to the measurements of Chest in respect of Sri A. Kishore Chandra Reddy at Sl.No.1 above, was found to have measurement of 86.00 cm only with expansion of 6 cms against the specified requirement of 86.3 cms round the chest on full inspiration with a minimum expansion of 5.00 cms; which is less than the specified chest measurement in the Rules. He has stated that under Rule 8 of Adhoc Rules issued for the post of Transport Constable in G.O.Ms.No.1, Tr. R&B (Tr.I) Department, Dated: 03/01/1985 read with G.O. Ms.No.37, Tr. R&B (Tr.I) Dept., Dated: 31/01/1987, the height prescribed for the post of Transport Constable is 157.5 cms. The Transport Constables noted that above were recruited during the year 1990, 1991 in accordance with the said Adhoc Rules. The request for relaxation of height will defeat the very purpose of providing the height as a qualification for the post of Assistant Motor Vehicles Inspector under Rule 10 of the Transport Subordinate Service Rules, 2009 and stated that the request of Transport Constables Association and other individuals for relaxing the height qualification may be rejected.

6. After careful examination of the matter, Government found that according to G.O.Ms.No.45, T.R&B Dept., Dated 02/03/2000, which was governing the field on "appointment by transfer" to the post of AMVIs i.e., before the issue of G.O.Ms.No.71, Dated 19/02/2009, there was no prescription of height at all. For the first time the prescription of height was introduced for "appointment by transfer" also in G.O.Ms.No.71, T.R&B Dept., Dated 19/02/2009.

7. Since all the above (10) persons were appointed prior to the issue of orders in G.O.Ms.No.71, Transport, Roads & Buildings (Ser.IV) Department, Dated 19/02/2010, that having permitted them to acquire the requisite qualifications and screening them subsequently with a different yardstick of height would be causing hardship to them and considering all these aspects, Government have decided to relax Rule 10 of Special Rules for the Andhra Pradesh Transport Subordinate Service Rules, 2009 issued in G.O.Ms.No.71, Transport, Roads & Buildings (Ser.IV) Department, Dated 19/02/2009 in respect of the candidates referred at para – 4 on prepage, for appointment to the post of Assistant Motor Vehicles Inspector by promotion/transfer.

8. Accordingly, Government hereby relax Rule 10 of Special Rules for the Andhra Pradesh Transport Subordinate Service Rules, 2009, in exercise of the powers conferred under Rule 31 of the Andhra Pradesh State & Subordinate Service Rules, 1996 and permit the Transport Commissioner to consider appointment of the candidates referred at para (4) above, by promotion / transfer, as Assistant Motor Vehicles Inspector temporarily in their respective unit of appointment as a special case in accordance with the orders issued in G.O.Rt.No.1379, T.R&B (Ser.IV) Dept., Dated 24/12/2009.

9. The Transport Commissioner, A.P., Hyderabad shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.SINGH
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Transport Commissioner, A.P., Hyderabad.
The individuals concerned through the T.C., A.P, Hyd.

Copy to:
P.S. to Special Secretary to Chief Minister.
P.S. to Minister for Transport.
P.S. to Principal Secretary to Government (Transport).
SF/Sc.

// FORWARDED::BY ORDER //

SECTION OFFICER